

**§ 105.295 Additional requirements—Certain Dangerous Cargo (CDC) facilities.**

(a) At all MARSEC Levels, owners or operators of CDC facilities must ensure the implementation of the following security measures in addition to the requirements of this part:

(1) Escort all visitors, contractors, vendors, and other non-facility employees at all times while on the facility, if access identification is not provided. Escort provisions do not apply to pre-arranged cargo deliveries;

(2) Control the parking, loading, and unloading of vehicles within a facility;

(3) Require security personnel to record or report their presence at key points during their patrols;

(4) Search unmanned or unmonitored waterfront areas for dangerous substances and devices prior to a vessel's arrival at the facility; and

(5) Provide an alternate or independent power source for security and communications systems.

(b) At MARSEC Level 2, in addition to the requirements for MARSEC Level 1, owners or operators of CDC facilities must ensure the implementation of the following security measures:

(1) Release cargo only in the presence of the Facility Security Officer (FSO) or a designated representative of the FSO; and

(2) Continuously patrol restricted areas.

(c) At MARSEC Level 3, in addition to the requirements for MARSEC Level 1 and MARSEC Level 2, owners or operators of CDC facilities must ensure the facilities are continuously guarded and restricted areas are patrolled.

[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60542, Oct. 22, 2003]

**§ 105.296 Additional requirements—barge fleeting facilities.**

(a) At MARSEC Level 1, in addition to the requirements of this part, an owner or operator of a barge fleeting facility must ensure the implementation of the following security measures:

(1) Designate one or more restricted areas within the barge fleeting facility to handle those barges carrying, in bulk, cargoes regulated by 46 CFR

chapter I, subchapters D or O, or Certain Dangerous Cargoes;

(2) Maintain a current list of vessels and cargoes in the designated restricted area; and

(3) Ensure that at least one towing vessel is available to service the fleeting facility for every 100 barges within the facility.

(b) At MARSEC Level 2, in addition to the requirements of this part and MARSEC Level 1 requirements, an owner or operator of a barge fleeting facility must ensure security personnel are assigned to monitor or patrol the designated restricted area within the barge fleeting facility.

(c) At MARSEC Level 3, in addition to the requirements of this part and MARSEC Level 2 requirements, an owner or operator of a barge fleeting facility must ensure that both land and waterside perimeters of the designated restricted area within the barge fleeting facility are continuously monitored or patrolled.

[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60542, Oct. 22, 2003]

**Subpart C—Facility Security Assessment (FSA)**

**§ 105.300 General.**

(a) The Facility Security Assessment (FSA) is a written document that is based on the collection of background information, the completion of an on-scene survey and an analysis of that information.

(b) A common FSA may be conducted for more than one similar facility provided the FSA reflects any facility-specific characteristics that are unique.

(c) Third parties may be used in any aspect of the FSA if they have the appropriate skills and if the Facility Security Officer (FSO) reviews and accepts their work.

(d) Those involved in a FSA must be able to draw upon expert assistance in the following areas, as appropriate:

(1) Knowledge of current security threats and patterns;

(2) Recognition and detection of dangerous substances and devices;

(3) Recognition of characteristics and behavioral patterns of persons who are likely to threaten security;

- (4) Techniques used to circumvent security measures;
- (5) Methods used to cause a security incident;
- (6) Effects of dangerous substances and devices on structures and facility services;
- (7) Facility security requirements;
- (8) Facility and vessel interface business practices;
- (9) Contingency planning, emergency preparedness, and response;
- (10) Physical security requirements;
- (11) Radio and telecommunications systems, including computer systems and networks;
- (12) Marine or civil engineering; and
- (13) Facility and vessel operations.

**§ 105.305 Facility Security Assessment (FSA) requirements.**

(a) *Background.* The facility owner or operator must ensure that the following background information, if applicable, is provided to the person or persons who will conduct the assessment:

- (1) The general layout of the facility, including:
  - (i) The location of each active and inactive access point to the facility;
  - (ii) The number, reliability, and security duties of facility personnel;
  - (iii) Security doors, barriers, and lighting;
  - (iv) The location of restricted areas;
  - (v) The emergency and stand-by equipment available to maintain essential services;
  - (vi) The maintenance equipment, cargo spaces, storage areas, and unaccompanied baggage storage;
  - (vii) Location of escape and evacuation routes and assembly stations; and
  - (viii) Existing security and safety equipment for protection of personnel and visitors;
- (2) Response procedures for fire or other emergency conditions;
- (3) Procedures for monitoring facility and vessel personnel, vendors, repair technicians, and dock workers;
- (4) Existing contracts with private security companies and existing agreements with local or municipal agencies;
- (5) Procedures for controlling keys and other access prevention systems;

(6) Procedures for cargo and vessel stores operations;

(7) Response capability to security incidents;

(8) Threat assessments, including the purpose and methodology of the assessment, for the port in which the facility is located or at which passengers embark or disembark;

(9) Previous reports on security needs; and

(10) Any other existing security procedures and systems, equipment, communications, and facility personnel.

(b) *On-scene survey.* The facility owner or operator must ensure that an on-scene survey of each facility is conducted. The on-scene survey examines and evaluates existing facility protective measures, procedures, and operations to verify or collect the information required in paragraph (a) of this section.

(c) *Analysis and recommendations.* In conducting the FSA, the facility owner or operator must ensure that the FSO analyzes the facility background information and the on-scene survey, and considering the requirements of this part, provides recommendations to establish and prioritize the security measures that should be included in the FSP. The analysis must consider:

(1) Each vulnerability found during the on-scene survey including but not limited to:

- (i) Waterside and shore-side access to the facility and vessel berthing at the facility;
- (ii) Structural integrity of the piers, facilities, and associated structures;
- (iii) Existing security measures and procedures, including identification systems;
- (iv) Existing security measures and procedures relating to services and utilities;
- (v) Measures to protect radio and telecommunication equipment, including computer systems and networks;
- (vi) Adjacent areas that may be exploited during or for an attack;
- (vii) Areas that may, if damaged or used for illicit observation, pose a risk to people, property, or operations within the facility;